

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at WINCHESTER

SHANNON E. GILMORE,

*Plaintiff,*

v.

COMMISSIONER OF SOCIAL SECURITY,

*Defendant.*

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Case No. 4:13-cv-43

Judge Mattice  
Magistrate Judge Lee

**ORDER**

On June 3, 2013, United States Magistrate Judge Susan K. Lee filed a Report and Recommendation (Doc. 17) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Lee recommended that (1) Plaintiff's Motion for Judgment on the Administrative Record be granted in part to the extent that it seeks remand to the Commissioner and denied in part to the extent it seeks an award of benefits; (2) the Commissioner's Motion for Summary Judgment be denied; and (3) the Commissioner's decision denying benefits be reversed and remanded pursuant to Sentence Four of 42 U.S.C. § 405(g). (*Id.* at 15).

Plaintiff has filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> The Commissioner has filed a Response, in which she states that she "has no objection the Magistrate's Report & Recommendations." (Doc. 18 at 1). Additionally, the Court has reviewed the record in this matter, and it agrees with the Magistrate Judge's well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge Lee specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 17 at 15); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Lee's findings of fact and conclusions of law. Plaintiff's Motion for Judgment on the Administrative Record (Doc. 11) is hereby **GRANTED** to the extent that it seeks remand to the Commissioner; the Commissioner's Motion for Summary Judgment (Doc. 12) is hereby **DENIED**; and the Commissioner's decision denying benefits is hereby **REVERSED** and **REMANDED** pursuant to Sentence Four of 42 U.S.C. § 405(g) for further evaluation.

**SO ORDERED** this 2nd day of July, 2014.

/s/ Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE